

AMENDED IN ASSEMBLY AUGUST 18, 2003

AMENDED IN ASSEMBLY JULY 9, 2003

AMENDED IN ASSEMBLY JUNE 23, 2003

AMENDED IN SENATE JUNE 3, 2003

AMENDED IN SENATE MARCH 24, 2003

SENATE BILL**No. 591**

Introduced by Senator Scott

February 20, 2003

An act to amend Sections 358, 358.1, 361.3, 16002, and 16501.1 of, and to add Sections 16010.4, 16010.5, 16010.6, and 16503.5 to, the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

SB 591, as amended, Scott. Dependent children: caregiver information.

Existing law prescribes various proceedings with respect to children who are removed from their parents' custody and placed in foster care or kinship care with a caregiver.

Existing law requires the court, before determining the appropriate disposition, to receive in evidence specified information, including, but not limited to, a social study or evaluation made by a social worker or child advocate appointed by the court.

This bill would require that the study or evaluation, and the information received in evidence by the court, include the willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

Existing law requires, in any case in which a child is removed from the physical custody of his or her parents, that preferential consideration be given to a request by a relative of the child for placement of the child with the relative, and requires the court and social worker to consider specified factors.

This bill would require that a placing agency provide a caregiver placement agreement, as defined, to a child's caregiver at the time of placement with that caregiver, and would establish provisions for placement agreements.

This bill would, in addition, require the court and social worker to consider the relative's desire to provide legal permanency for the child if reunification is unsuccessful.

Existing law establishes services for the care of children, including foster care placement, and requires that the responsible local agency make a diligent effort in all out-of-home placements of dependent children, including those with relatives, to develop and maintain sibling relationships, and also requires the preparation of a case plan with respect to child welfare services for the child.

This bill would require that information regarding sibling interaction, contact, or visitation authorized or ordered by the court be provided to the foster parent, relative caretaker, or legal guardian of the child, as specified, and that specified information regarding visits with the natural parents or legal guardians, visits with siblings, and visits by the social worker, be included in the case plan.

The bill would also require that the case plan include information as to the willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful, and that the caretaker receive a copy of ~~the child's portion of the case plan that orders visitation, as specified~~ *a plan outlining the child's needs and services*.

Under existing law, when a child is placed in foster care, the case plan for the child is required to include a specified health and education summary. Under existing law, a child protective agency is required to provide the child's caregiver with the health and education summary, not later than 30 days after the initial placement, or within 48 hours after a subsequent placement.

This bill would further provide that when a child is placed in foster care or kinship care that the child protective agency provide additional personal information, as specified, relating to the child and the child's case to the child's caregiver.



This bill would also provide that as soon as possible after a placing agency makes a decision with respect to a placement or a change in placement of a dependent child, the placing agency shall notify the child's attorney and provide to the child's attorney information regarding the child's address, telephone number, and caregiver.

This bill would state that this provision is declaratory of existing law and intended to codify a holding in a specified judicial decision.

By increasing the duties of child protective agencies, this bill would create a state-mandated local program.

Existing law specifies the various duties of the Judicial Council, including the adoption of rules of court.

This bill would require the Judicial Council to adopt a rule of court directing an attorney of a dependent child of the juvenile court to provide specified contact information to the child's caregiver or, in some cases, to the child.

This bill would incorporate additional changes to Section 16501.1 of the Welfare and Institutions Code proposed by AB 408, to be operative only if this bill and AB 408 are both enacted and become effective on or before January 1, 2004, and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 358 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 358. (a) After finding that a child is a person described in
- 4 Section 300, the court shall hear evidence on the question of the
- 5 proper disposition to be made of the child. Prior to making a

1 finding required by this section, the court may continue the hearing
2 on its own motion, the motion of the parent or guardian, or the
3 motion of the child, as follows:

4 (1) If the child is detained during the continuance, and the
5 social worker is not alleging that subdivision (b) of Section 361.5
6 is applicable, the continuance shall not exceed 10 judicial days.
7 The court may make an order for detention of the child or for the
8 child's release from detention, during the period of continuance,
9 as is appropriate.

10 (2) If the child is not detained during the continuance, the
11 continuance shall not exceed 30 days after the date of the finding
12 pursuant to Section 356. However, the court may, for cause,
13 continue the hearing for an additional 15 days.

14 (3) If the social worker is alleging that subdivision (b) of
15 Section 361.5 is applicable, the court shall continue the
16 proceedings for a period not to exceed 30 days. The social worker
17 shall notify each parent of the content of subdivision (b) of Section
18 361.5 and shall inform each parent that if the court does not order
19 reunification a permanency planning hearing will be held, and that
20 his or her parental rights may be terminated within the timeframes
21 specified by law.

22 (b) Before determining the appropriate disposition, the court
23 shall receive in evidence the social study of the child made by the
24 social worker, any study or evaluation made by a child advocate
25 appointed by the court, and other relevant and material evidence
26 as may be offered, including, but not limited to, the willingness of
27 the caregiver to provide legal permanency for the child if
28 reunification is unsuccessful. In any judgment and order of
29 disposition, the court shall specifically state that the social study
30 made by the social worker and the study or evaluation made by the
31 child advocate appointed by the court, if there be any, has been read
32 and considered by the court in arriving at its judgment and order
33 of disposition. Any social study or report submitted to the court by
34 the social worker shall include the individual child's case plan
35 developed pursuant to Section 16501.1.

36 (c) If the court finds that a child is described by subdivision (h)
37 of Section 300 or that subdivision (b) of Section 361.5 may be
38 applicable, the court shall conduct the dispositional proceeding
39 pursuant to subdivision (c) of Section 361.5.



SEC. 2. Section 358.1 of the Welfare and Institutions Code is amended to read:

358.1. Each social study or evaluation made by a social worker or child advocate appointed by the court, required to be received in evidence pursuant to Section 358, shall include, but not be limited to, a factual discussion of each of the following subjects:

(a) Whether the county welfare department or social worker has considered child protective services, as defined in Chapter 5 (commencing with Section 16500) of Part 4 of Division 9, as a possible solution to the problems at hand, and has offered these services to qualified parents if appropriate under the circumstances.

(b) What plan, if any, for return of the child to his or her parents and for achieving legal permanence for the child if efforts to reunify fail, is recommended to the court by the county welfare department or probation officer.

(c) Whether the best interests of the child will be served by granting reasonable visitation rights with the child to his or her grandparents, in order to maintain and strengthen the child's family relationships.

(d) (1) Whether the child has siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and his or her siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, the frequency and nature of the visits between siblings.

(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(2) The factual discussion shall include a discussion of indicators of the nature of the child's sibling relationships, including, but not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with

1 his or her sibling, as applicable, and whether ongoing contact is in
2 the child's best emotional interest.

3 (e) If the parent or guardian is unwilling or unable to participate
4 in making an educational decision for his or her child, or if other
5 circumstances exist that compromise the ability of the parent or
6 guardian to make educational decisions for the child, the county
7 welfare department or social worker shall consider whether the
8 right of the parent or guardian to make educational decisions for
9 the child should be limited. If the study or evaluation makes that
10 recommendation, it shall identify whether there is a responsible
11 adult available to make educational decisions for the child
12 pursuant to Section 361.

13 (f) Whether the child appears to be a person who is eligible to
14 be considered for further court action to free the child from
15 parental custody and control.

16 (g) Whether the parent has been advised of his or her option to
17 participate in adoption planning, including the option to enter into
18 a postadoption contact agreement as described in Section 8714.7
19 of the Family Code, and to voluntarily relinquish the child for
20 adoption if an adoption agency is willing to accept the
21 relinquishment.

22 (h) The appropriateness of any relative placement pursuant to
23 Section 361.3. However, this consideration may not be cause for
24 continuance of the dispositional hearing.

25 (i) Whether the caregiver desires, and is willing, to provide
26 legal permanency for the child if reunification is unsuccessful.

27 SEC. 3. Section 361.3 of the Welfare and Institutions Code is
28 amended to read:

29 361.3. (a) In any case in which a child is removed from the
30 physical custody of his or her parents pursuant to Section 361,
31 preferential consideration shall be given to a request by a relative
32 of the child for placement of the child with the relative. In
33 determining whether placement with a relative is appropriate, the
34 county social worker and court shall consider, but shall not be
35 limited to, consideration of all the following factors:

36 (1) The best interest of the child, including special physical,
37 psychological, educational, medical, or emotional needs.

38 (2) The wishes of the parent, the relative, and child, if
39 appropriate.

1 (3) The provisions of Part 6 (commencing with Section 7950)
2 of Division 12 of the Family Code regarding relative placement.

3 (4) Placement of siblings and half-siblings in the same home,
4 if that placement is found to be in the best interest of each of the
5 children as provided in Section 16002.

6 (5) The good moral character of the relative and any other adult
7 living in the home, including whether any individual residing in
8 the home has a prior history of violent criminal acts or has been
9 responsible for acts of child abuse or neglect.

10 (6) The nature and duration of the relationship between the
11 child and the relative, and the relative's desire to care for, and to
12 provide legal permanency for, the child if reunification is
13 unsuccessful.

14 (7) The ability of the relative to do the following:

15 (A) Provide a safe, secure, and stable environment for the
16 child.

17 (B) Exercise proper and effective care and control of the child.

18 (C) Provide a home and the necessities of life for the child.

19 (D) Protect the child from his or her parents.

20 (E) Facilitate court-ordered reunification efforts with the
21 parents.

22 (F) Facilitate visitation with the child's other relatives.

23 (G) Facilitate implementation of all elements of the case plan.

24 (H) Provide legal permanence for the child if reunification
25 fails.

26 However, any finding made with respect to the factor
27 considered pursuant to this subparagraph and pursuant to
28 subparagraph (G) shall not be the sole basis for precluding
29 preferential placement with a relative.

30 (I) Arrange for appropriate and safe child care, as necessary.

31 (8) The safety of the relative's home. For a relative to be
32 considered appropriate to receive placement of a child under this
33 section, the relative's home shall first be approved pursuant to the
34 process and standards described in subdivision (d) of Section 309.

35 In this regard, the Legislature declares that a physical disability,
36 such as blindness or deafness, is no bar to the raising of children,
37 and a county social worker's determination as to the ability of a
38 disabled relative to exercise care and control should center upon
39 whether the relative's disability prevents him or her from
40 exercising care and control. The court shall order the parent to

1 disclose to the county social worker the names, residences, and any
2 other known identifying information of any maternal or paternal
3 relatives of the child. This inquiry shall not be construed, however,
4 to guarantee that the child will be placed with any person so
5 identified. The county social worker shall initially contact the
6 relatives given preferential consideration for placement to
7 determine if they desire the child to be placed with them. Those
8 desiring placement shall be assessed according to the factors
9 enumerated in this subdivision. The county social worker shall
10 document these efforts in the social study prepared pursuant to
11 Section 358.1. The court shall authorize the county social worker,
12 while assessing these relatives for the possibility of placement, to
13 disclose to the relative, as appropriate, the fact that the child is in
14 custody, the alleged reasons for the custody, and the projected
15 likely date for the child's return home or placement for adoption
16 or legal guardianship. However, this investigation shall not be
17 construed as good cause for continuance of the dispositional
18 hearing conducted pursuant to Section 358.

19 (b) In any case in which more than one appropriate relative
20 requests preferential consideration pursuant to this section, each
21 relative shall be considered under the factors enumerated in
22 subdivision (a).

23 (c) For purposes of this section:

24 (1) "Preferential consideration" means that the relative
25 seeking placement shall be the first placement to be considered and
26 investigated.

27 (2) "Relative" means an adult who is related to the child by
28 blood, adoption, or affinity within the fifth degree of kinship,
29 including stepparents, stepsiblings, and all relatives whose status
30 is preceded by the words "great," "great-great" or "grand" or the
31 spouse of any of these persons even if the marriage was terminated
32 by death or dissolution. However, only the following relatives
33 shall be given preferential consideration for the placement of the
34 child: an adult who is a grandparent, aunt, uncle, or sibling.

35 (d) Subsequent to the hearing conducted pursuant to Section
36 358, whenever a new placement of the child must be made,
37 consideration for placement shall again be given as described in
38 this section to relatives who have not been found to be unsuitable
39 and who will fulfill the child's reunification or permanent plan
40 requirements. In addition to the factors described in subdivision



1 (a), the county social worker shall consider whether the relative
2 has established and maintained a relationship with the child.

3 (e) If the court does not place the child with a relative who has
4 been considered for placement pursuant to this section, the court
5 shall state for the record the reasons placement with that relative
6 was denied.

7 SEC. 4. Section 16002 of the Welfare and Institutions Code
8 is amended to read:

9 16002. (a) It is the intent of the Legislature to maintain the
10 continuity of the family unit, and ensure the preservation and
11 strengthening of the child's family ties by ensuring that when
12 siblings have been removed from their home, either as a group on
13 one occurrence or individually on separate occurrences, the
14 siblings will be placed in foster care together, unless it has been
15 determined that placement together is not in the best interest of one
16 or more siblings. The Legislature recognizes that in order to ensure
17 the placement of a sibling group in the same foster care placement,
18 placement resources need to be expanded.

19 (b) The responsible local agency shall make a diligent effort in
20 all out-of-home placements of dependent children, including those
21 with relatives, to develop and maintain sibling relationships. If
22 siblings are not placed together in the same home, the social
23 worker shall explain why the siblings are not placed together and
24 what efforts he or she is making to place the siblings together or
25 why those efforts are not appropriate. When placement of siblings
26 together in the same home is not possible, diligent effort shall be
27 made, and a case plan prepared, to provide for ongoing and
28 frequent interaction among siblings until family reunification is
29 achieved, or, if parental rights are terminated, as part of developing
30 the permanent plan for the child. If the court determines by clear
31 and convincing evidence that sibling interaction is detrimental to
32 a child or children, the reasons for the determination shall be noted
33 in the court order, and interaction shall be suspended.

34 (c) When there has been a judicial suspension of sibling
35 interaction, the reasons for the suspension shall be reviewed at
36 each periodic review hearing pursuant to Section 366. When the
37 court determines that sibling interaction can be safely resumed,
38 that determination shall be noted in the court order and the case
39 plan shall be revised to provide for sibling interaction.

(d) If the case plan for the child has provisions for sibling interaction, the child, or his or her parent or legal guardian shall have the right to comment on those provisions. If a person wishes to assert a sibling relationship with a dependent child, he or she may file a petition in the juvenile court having jurisdiction over the dependent child pursuant to subdivision (b) of Section 388.

(e) If parental rights are terminated and the court orders a dependent child to be placed for adoption, the licensed county adoption agency or the State Department of Social Services shall take all of the following steps to facilitate ongoing sibling contact, except in those cases provided in subdivision (b) where the court determines by a preponderance of the evidence that sibling interaction is detrimental to the child:

(1) Include in training provided to prospective adoptive parents information about the importance of sibling relationships to the adopted child and counseling on methods for maintaining sibling relationships.

(2) Provide prospective adoptive parents with information about siblings of the child, except the address where the siblings of the children reside. However, this address may be disclosed by court order for good cause shown.

(3) Encourage prospective adoptive parents to make a plan for facilitating postadoptive contact between the child who is the subject of a petition for adoption and any siblings of this child.

(f) Information regarding sibling interaction, contact, or visitation that has been authorized or ordered by the court shall be provided to the foster parent, relative caretaker, or legal guardian of the child as soon as possible after the court order is made, in order to facilitate the interaction, contact, or visitation.

(g) As used in this section, “sibling” means a child related to another person by blood, adoption, or affinity through a common legal or biological parent.

(h) The court documentation on sibling placements required under this section shall not require the modification of existing court order forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

SEC. 5. Section 16010.4 is added to the Welfare and Institutions Code, to read:

16010.4. The Legislature finds and declares all of the following:

1 (a) The State of California is guardian to more than 90,000
2 children in foster care, more than any other state in the nation. As
3 of 2002, California has a disproportionately high number of
4 children in foster care. While the state is home to 12 percent of the
5 nation's population, it guards over 20 percent of the nation's
6 children in its foster care system. Thirty-five percent of foster
7 children live with relatives.

8 (b) Foster parents are one of the most important sources of
9 information about the children in their care. Courts, lawyers, and
10 social workers should have the benefit of caregivers' perceptions.
11 Both federal and state law recognize the importance of foster
12 parents' participation in juvenile court proceedings. Federal law
13 requires that foster parents and other caregivers receive expanded
14 opportunities for notice, the right to participate in dependency
15 court review and permanency hearings, and the right to
16 communicate concerns to the courts. State law similarly provides
17 that caregivers may submit their concerns to courts in writing.

18 (c) It is in the children's best interests that their caregivers are
19 privy to important information about them. This information is
20 necessary to obtain social and health services for children, enroll
21 children in school and extracurricular activities, and update social
22 workers and court personnel about important developments
23 affecting foster children.

24 (d) Most school districts and extracurricular organizations
25 require proof of age before enrolling a child in their programs.
26 Moreover, caregivers are required to obtain a medical appointment
27 for their foster children within the first month of receiving the
28 children into their homes. It would therefore be in both the
29 ~~childrens'~~ *children's* and the caregivers' best interests to be
30 provided with any available medical information, medications and
31 instructions for use, and identifying information about the children
32 upon receiving the children into their homes.

33 (e) Caregivers should have certain basic information in order
34 to provide for the needs of children placed in their care, including
35 all of the following:

36 (1) The name, mailing address, telephone number, and
37 facsimile number of the child's social worker and the social
38 worker's supervisor.

(2) The name, mailing address, telephone number, and facsimile number of the child's attorney and court-appointed special advocate (CASA), if any.

(3) The name, address, and department number of the juvenile court in which the child's juvenile court case is pending.

(4) The case number assigned to the child's juvenile court case.

(5) A copy of the child's birth certificate, passport, or other identifying documentation of age as may be required for enrollment in school and extracurricular activities.

(6) The child's State Department of Social Services identification number.

(7) The child's Medi-Cal identification number or group health insurance plan number.

(8) Medications or treatments in effect for the child at the time of placement, and instructions for their use.

~~(9) The child's portion of each case plan.~~

(9) *A plan outlining the child's needs and services, including information on family and sibling visitation.*

(f) Caregivers should have knowledge of all of the following:

(1) Their right to receive notice of all review and permanency hearings concerning the child during the placement.

(2) Their right to attend those hearings or submit information they deem relevant to the court in writing.

(3) The "Caregiver Information Form" (Judicial Council Form JV-290), which allows the caregiver to provide information directly to the court.

(4) Information about and referrals to any existing services, including transportation, translation, training, forms, and other available services.

(5) The caregiver's obligation to cooperate with any reunification, concurrent, or permanent planning for the child.

(6) Any known siblings or half-siblings of the child, whether the child has, expects, or desires to have contact or visitation with any or all siblings, and how and when caregivers facilitate the contact or visitation.

(g) Courts should know, at the earliest possible date, the interest of the caretaker in providing legal permanency for the child.

SEC. 6. Section 16010.5 is added to the Welfare and Institutions Code, to read:

1 16010.5. (a) When initially placing a child into foster care or
2 kinship care, and within 48 hours of any subsequent placement of
3 that child, the placing agency shall provide to the child's caretaker
4 both of the following:

5 (1) Prescribed medications for the child that are in the
6 possession of the placing agency, with instructions for the use of
7 the medication.

8 (2) Information regarding any treatments that are known to the
9 placing agency and that are in effect for the child at the time of the
10 placement.

11 (b) As soon as possible after placing a child into foster care or
12 kinship care, and no later than 30 days after placing the child, the
13 placing agency shall provide to the child's caregiver any available
14 documentation or proof of the child's age that may be required for
15 enrollment in school or activities that require proof of age.

16 (c) Within 30 days of receiving a copy of a child's birth
17 certificate or passport, a placing agency shall provide a copy of that
18 document to the child's caregiver.

19 (d) Nothing shall preclude the placing agency from providing
20 the name, mailing address, telephone number, and facsimile
21 number of the child's attorney and the child's court-appointed
22 special advocate, if any, to the child or the child's caregiver upon
23 their request.

24 SEC. 7. Section 16010.6 is added to the Welfare and
25 Institutions Code, to read:

26 16010.6. (a) As soon as possible after a placing agency
27 makes a decision with respect to a placement or a change in
28 placement of a dependent child, the placing agency shall notify the
29 child's attorney and provide to the child's attorney information
30 regarding the child's address, telephone number, and caregiver.
31 This requirement is declaratory of existing law.

32 (b) The Judicial Council shall adopt a rule of court directing the
33 attorney of a dependent child of the juvenile court, upon receipt
34 from the agency responsible for placing the child of the name,
35 address, and telephone number of the child's caregiver, to timely
36 provide the attorney's contact information to the caregiver and, if
37 the child is 10 years of age or older, to the child. This rule shall not
38 preclude an attorney from giving contact information to a child
39 who is younger than 10 years of age.

1 SEC. 8. Section 16501.1 of the Welfare and Institutions Code
2 is amended to read:

3 16501.1. (a) (1) The Legislature finds and declares that the
4 foundation and central unifying tool in child welfare services is the
5 case plan.

6 (2) The Legislature further finds and declares that a case plan
7 ensures that the child receives protection and safe and proper care
8 and case management, and that services are provided to the child
9 and parents or other caretakers, as appropriate, in order to improve
10 conditions in the parent's home, to facilitate the safe return of the
11 child to a safe home or the permanent placement of the child, and
12 to address the needs of the child while in foster care.

13 (b) (1) A case plan shall be based upon the principles of this
14 section and shall document that a preplacement assessment of the
15 service needs of the child and family, and preplacement preventive
16 services, have been provided, and that reasonable efforts to
17 prevent out-of-home placement have been made.

18 (2) In determining the reasonable services to be offered or
19 provided, the child's health and safety shall be the paramount
20 concerns.

21 (3) Reasonable services shall be offered or provided to make it
22 possible for a child to return to a safe home environment, unless,
23 pursuant to subdivisions (b) and (e) of Section 361.5, the court
24 determines that reunification services shall not be provided.

25 (4) If reasonable services are not ordered, or are terminated,
26 reasonable efforts shall be made to place the child in a timely
27 manner in accordance with the permanent plan and to complete all
28 steps necessary to finalize the permanent placement of the child.

29 (c) When out-of-home placement is used to attain case plan
30 goals, the decision regarding choice of placement shall be based
31 upon selection of a safe setting that is the least restrictive or most
32 familylike and the most appropriate setting that is available and in
33 close proximity to the parent's home, consistent with the selection
34 of the environment best suited to meet the child's special needs and
35 best interests, or both. The selection shall consider, in order of
36 priority, placement with relatives, tribal members, and foster
37 family, group care, and residential treatment pursuant to Section
38 7950 of the Family Code.

39 (d) A written case plan shall be completed within 30 days of the
40 initial removal of the child or of the in-person response required

under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) (A) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social service agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social

1 worker shall inform the child of his or her rights as a foster child,
2 as specified in Section 16001.9. The social worker shall provide
3 the information to the child in a manner appropriate to the age or
4 developmental level of the child.

5 (B) The social worker shall provide to the child's out-of-home
6 caretaker, as soon as is possible after the child is placed with that
7 caretaker, information regarding the schedule and frequency of
8 these visits.

9 (5) (A) When out-of-home services are used, the frequency of
10 contact between the natural parents or legal guardians and the child
11 shall be specified in the case plan. The frequency of those contacts
12 shall reflect overall case goals, and consider other principles
13 outlined in this section.

14 (B) Information regarding any court-ordered visitation
15 between the child and the natural parents or legal guardians, and
16 the terms and conditions needed to facilitate the visits while
17 protecting the safety of the child, shall be provided to the child's
18 out-of-home caregiver as soon as possible after the court order is
19 made.

20 (6) When out-of-home placement is made, the case plan shall
21 include provisions for the development and maintenance of sibling
22 relationships as specified in subdivisions (b), (c), and (d) of
23 Section 16002. If appropriate, when siblings who are dependents
24 of the juvenile court are not placed together, the social worker for
25 each child, if different, shall communicate with each of the other
26 social workers and ensure that the child's siblings are informed of
27 significant life events that occur within their extended family.
28 Unless it has been determined that it is inappropriate in a particular
29 case to keep siblings informed of significant life events that occur
30 within the extended family, the social worker shall determine the
31 appropriate means and setting for disclosure of this information to
32 the child commensurate with the child's age and emotional
33 well-being. These significant life events shall include, but shall not
34 be limited to, the following:

35 (A) The death of an immediate relative.

36 (B) The birth of a sibling.

37 (C) Significant changes regarding a dependent child, unless the
38 child objects to the sharing of the information with his or her
39 siblings, including changes in placement, major medical or mental

1 health diagnoses, treatments, or hospitalizations, arrests, and
2 changes in the permanent plan.

3 (7) When out-of-home placement is made in a foster family
4 home, group home or other child care institution that is either a
5 substantial distance from the home of the child's parent or out of
6 state, the case plan shall specify the reasons why that placement is
7 in the best interest of the child. When an out-of-state group home
8 placement is recommended or made, the case plan shall, in
9 addition, specify compliance with Section 7911.1 of the Family
10 Code.

11 (8) (A) When out-of-home services are used, or when parental
12 rights have been terminated and the case plan is placement for
13 adoption, the case plan shall include a recommendation regarding
14 the appropriateness of unsupervised visitation between the child
15 and any of the child's siblings. This recommendation shall include
16 a statement regarding the child's and the siblings' willingness to
17 participate in unsupervised visitation. If the case plan includes a
18 recommendation for unsupervised sibling visitation, the plan shall
19 also note that information necessary to accomplish this visitation
20 has been provided to the child or to the child's siblings.

21 (B) Information regarding the schedule and frequency of the
22 visits between the child and siblings, as well as any court-ordered
23 terms and conditions needed to facilitate the visits while protecting
24 the safety of the child, shall be provided to the child's out-of-home
25 caregiver as soon as possible after the court order is made.

26 (9) When out-of-home services are used and the goal is
27 reunification, the case plan shall describe the services to be
28 provided to assist in reunification and the services to be provided
29 concurrently to achieve legal permanency if efforts to reunify fail.
30 The plan shall also consider the importance of developing and
31 maintaining sibling relationships pursuant to Section 16002, and
32 the desire and willingness of the caregiver to provide legal
33 permanency for the child if reunification is unsuccessful.

34 (10) When out-of-home services are used, the child has been in
35 care for at least 12 months, and the goal is not adoptive placement,
36 the case plan shall include documentation of the compelling reason
37 or reasons why termination of parental rights is not in the child's
38 best interest. A determination completed or updated within the
39 past 12 months by the department when it is acting as an adoption
40 agency or by a licensed adoption agency that it is unlikely that the

1 child will be adopted, or that one of the conditions described in
2 paragraph (1) of subdivision (c) of Section 366.26 applies, shall be
3 deemed a compelling reason.

4 (11) (A) Parents and legal guardians shall have an opportunity
5 to review the case plan, and to sign it whenever possible, and then
6 shall receive a copy of the plan. In any voluntary service or
7 placement agreement, the parents or legal guardians shall be
8 required to review and sign the case plan. Whenever possible,
9 parents and legal guardians shall participate in the development of
10 the case plan.

11 (B) Parents and legal guardians shall be advised that, pursuant
12 to Section 1228.1 of the Evidence Code, neither their signature on
13 the child welfare services case plan nor their acceptance of any
14 services prescribed in the child welfare services case plan shall
15 constitute an admission of guilt or be used as evidence against the
16 parent or legal guardian in a court of law. However, they shall also
17 be advised that the parent's or guardian's failure to cooperate,
18 except for good cause, in the provision of services specified in the
19 child welfare services case plan may be used in any hearing held
20 pursuant to Section 366.21 or 366.22 as evidence.

21 (12) The case plan shall be included in the court report and shall
22 be considered by the court at the initial hearing and each review
23 hearing. Modifications to the case plan made during the period
24 between review hearings need not be approved by the court if the
25 casework supervisor for that case determines that the
26 modifications further the goals of the plan. When out-of-home
27 services are used with the goal of family reunification, the case
28 plan shall consider and describe the application of subdivision (b)
29 of Section 11203.

30 (13) When the case plan has as its goal for the child a permanent
31 plan of adoption or placement in another permanent home, it shall
32 include documentation of the steps the agency is taking to find an
33 adoptive family or other permanent living arrangements for the
34 child; to place the child with an adoptive family, an appropriate
35 and willing relative, a legal guardian, or in another planned
36 permanent living arrangement; and to finalize the adoption or legal
37 guardianship. At a minimum, the documentation shall include
38 child specific recruitment efforts, such as the use of state, regional,
39 and national adoption exchanges, including electronic exchange
40 systems, when the child has been freed for adoption.

(g) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. Nothing in this section shall be construed to require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(h) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(i) ~~The child's caregiver shall be provided a copy of the child's portion of the court-ordered case plan.~~ *a plan outlining the child's needs and services.*

(j) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

SEC. 8.5. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

~~(b)~~

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers as appropriate in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care. ~~A~~

(b) (1) A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive

1 services, have been provided, and that reasonable efforts to
2 prevent out-of-home placement have been made. ~~It~~

3 (2) *In* determining the reasonable services to be offered or
4 provided, the child's health and safety shall be the paramount
5 concerns. ~~Reasonable~~

6 (3) *Reasonable* services shall be offered or provided to make
7 it possible for a child to return to a safe home environment, unless,
8 pursuant to subdivisions (b) and (e) of Section 361.5, the court
9 determines that reunification services shall not be provided. ~~If~~

10 (4) *If* reasonable services are not ordered, or are terminated,
11 reasonable efforts shall be made to place the child in a timely
12 manner in accordance with the permanent plan and to complete all
13 steps necessary to finalize the permanent placement of the child.

14 (c) When out-of-home placement is used to attain case plan
15 goals, the decision regarding choice of placement shall be based
16 upon selection of a safe setting that is the least restrictive or most
17 familylike and the most appropriate setting that is available and in
18 close proximity to the parent's home, consistent with the selection
19 of the environment best suited to meet the child's special needs and
20 ~~best-interest~~ *interests*, or both. The selection shall consider, in
21 order of priority, placement with relatives, tribal members, and
22 foster family, group care, and residential treatment pursuant to
23 Section 7950 of the Family Code.

24 (d) A written case plan shall be completed within 30 days of the
25 initial removal of the child or of the in-person response required
26 under subdivision (f) of Section 16501 if the child has not been
27 removed from his or her home, or by the date of the dispositional
28 hearing pursuant to Section 358, whichever occurs first. The case
29 plan shall be updated, as the service needs of the child and family
30 dictate. At a minimum, the case plan shall be updated in
31 conjunction with each status review hearing conducted pursuant
32 to Section 366.21, and the hearing conducted pursuant to Section
33 366.26, but no less frequently than once every six months. Each
34 updated case plan shall include a description of the services that
35 have been provided to the child under the plan and an evaluation
36 of the appropriateness and effectiveness of those services.

37 (e) The child welfare services case plan shall be comprehensive
38 enough to meet the juvenile court dependency proceedings
39 requirements pursuant to Article 6 (commencing with Section
40 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) (A) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social-service agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(B) *The social worker shall provide to the child's out-of-home caretaker, as soon as is possible after the child is placed with that caretaker, information regarding the schedule and frequency of these visits.*

(5) (A) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(B) *Information regarding any court-ordered visitation between the child and the natural parents or legal guardians, and*

1 *the terms and conditions needed to facilitate the visits while*
2 *protecting the safety of the child, shall be provided to the child's*
3 *out-of-home caregiver as soon as possible after the court order is*
4 *made.*

5 (6) When out-of-home placement is made, the case plan shall
6 include provisions for the development and maintenance of sibling
7 relationships as specified in subdivisions (b), (c), and (d) of
8 Section 16002. If appropriate, when siblings who are dependents
9 of the juvenile court are not placed together, the social worker for
10 each child, if different, shall communicate with each of the other
11 social workers and ensure that the child's siblings are informed of
12 significant life events that occur within their extended family.
13 Unless it has been determined that it is inappropriate in a particular
14 case to keep siblings informed of significant life events that occur
15 within the extended family, the social worker shall determine the
16 appropriate means and setting for disclosure of this information to
17 the child commensurate with the child's age and emotional
18 well-being. These significant life events shall include, but shall not
19 be limited to, the following:

20 (A) The death of an immediate relative.

21 (B) The birth of a sibling.

22 (C) Significant changes regarding a dependent child, unless the
23 child objects to the sharing of the information with his or her
24 siblings, including changes in placement, major medical or mental
25 health diagnoses, treatments, or hospitalizations, arrests, and
26 changes in the permanent plan.

27 (7) When out-of-home placement is made in a foster family
28 home, group home or other child care institution that is either a
29 substantial distance from the home of the child's parent or out of
30 state, the case plan shall specify the reasons why that placement is
31 in the best interest of the child. When an out-of-state group home
32 placement is recommended or made, the case plan shall, in
33 addition, specify compliance with Section 7911.1 of the Family
34 Code.

35 (8) (A) When out-of-home services are used, or when parental
36 rights have been terminated and the case plan is placement for
37 adoption, the case plan shall include a recommendation regarding
38 the appropriateness of unsupervised visitation between the child
39 and any of the child's siblings. This recommendation shall include
40 a statement regarding the child's and the siblings' willingness to

1 participate in unsupervised visitation. If the case plan includes a
2 recommendation for unsupervised sibling visitation, the plan shall
3 also note that information necessary to accomplish this visitation
4 has been provided to the child or to the child's siblings.

5 (B) *Information regarding the schedule and frequency of the*
6 *visits between the child and siblings, as well as any court-ordered*
7 *terms and conditions needed to facilitate the visits while protecting*
8 *the safety of the child, shall be provided to the child's out-of-home*
9 *caregiver as soon as possible after the court order is made.*

10 (9) When out-of-home services are used and the goal is
11 reunification, the case plan shall describe the services to be
12 provided to assist in reunification and the services to be provided
13 concurrently to achieve legal permanency if efforts to reunify fail.
14 The plan shall also consider the importance of developing and
15 maintaining sibling relationships pursuant to Section 16002, *and*
16 *the desire and willingness of the caregiver to provide legal*
17 *permanency for the child if reunification is unsuccessful.*

18 (10) When out-of-home services are used, the child has been in
19 care for at least 12 months, and the goal is not adoptive placement,
20 the case plan shall include documentation of the compelling reason
21 or reasons why termination of parental rights is not in the child's
22 best interest. A determination completed or updated within the
23 past 12 months by the department when it is acting as an adoption
24 agency or by a licensed adoption agency that it is unlikely that the
25 child will be adopted, or that one of the conditions described in
26 paragraph (1) of subdivision (c) of Section 366.26 applies, shall be
27 deemed a compelling reason.

28 (11) (A) Parents and legal guardians shall have an opportunity
29 to review the case plan, *and to sign it whenever possible, and then*
30 *shall receive a copy of the plan. In any voluntary service or*
31 *placement agreement, the parents or legal guardians shall be*
32 *required to review and sign the case plan. Whenever possible,*
33 *parents and legal guardians shall participate in the development of*
34 *the case plan.*

35 (B) Parents and legal guardians shall be advised that, pursuant
36 to Section 1228.1 of the Evidence Code, neither their signature on
37 the child welfare services case plan nor their acceptance of any
38 services prescribed in the child welfare services case plan shall
39 constitute an admission of guilt or be used as evidence against the
40 parent or legal guardian in a court of law. However, they shall also

1 be advised that the parent's or guardian's failure to cooperate,
2 except for good cause, in the provision of services specified in the
3 child welfare services case plan may be used in any hearing held
4 pursuant to Section 366.21 or 366.22 as evidence.

5 (12) The case plan shall be included in the court report and shall
6 be considered by the court at the initial hearing and each review
7 hearing. Modifications to the case plan made during the period
8 between review hearings need not be approved by the court if the
9 casework supervisor for that case determines that the
10 modifications further the goals of the plan. When out-of-home
11 services are used with the goal of family reunification, the case
12 plan shall consider and describe the application of subdivision (b)
13 of Section 11203.

14 (13) When the case plan has as its goal for the child a permanent
15 plan of adoption or placement in another permanent home, it shall
16 include documentation of the steps the agency is taking to find an
17 adoptive family or other permanent living arrangements for the
18 child; to place the child with an adoptive family, an appropriate
19 and willing relative, a legal guardian, or in another planned
20 permanent living arrangement; and to finalize the adoption or legal
21 guardianship. At a minimum, the documentation shall include
22 child specific recruitment efforts, such as the use of state, regional,
23 and national adoption exchanges, including electronic exchange
24 systems, when the child has been freed for adoption.

25 (14) *When appropriate, for a child who is 16 years of age or*
26 *older, the case plan shall include a written description of the*
27 *programs and services that will help the child prepare for the*
28 *transition from foster care to independent living. The case plan*
29 *shall be developed with the child and individuals identified as*
30 *important to the child, and shall include steps the agency is taking*
31 *to ensure that the child has a connection to a caring adult.*

32 (g) If the court finds, after considering the case plan, that
33 unsupervised sibling visitation is appropriate and has been
34 consented to, the court shall order that the child or the child's
35 siblings, *the child's current caregiver*, and the child's prospective
36 adoptive parents, if applicable, be provided with information
37 necessary to accomplish this visitation. Nothing in this section
38 shall be construed to require or prohibit the social worker's
39 facilitation, transportation, or supervision of visits between the
40 child and his or her siblings.

1 (h) The case plan documentation on sibling placements
2 required under this section shall not require modification of
3 existing case plan forms until the Child Welfare Services Case
4 Management System is implemented on a statewide basis.

5 (i) *The child's caregiver shall be provided a copy of a plan*
6 *outlining the child's needs and services.*

7 (j) *When a child who is 10 years of age or older has been in*
8 *out-of-home placement with a nonrelative for six months or longer*
9 *from the date the child entered foster care, the case plan shall*
10 *include an identification of individuals, other than the child's*
11 *siblings, who are important to the child and actions necessary to*
12 *maintain the child's relationship with those individuals, provided*
13 *that those relationships are in the best interest of the child. The*
14 *social worker shall ask every child who is 10 years of age or older*
15 *who is not placed with a relative to identify any individuals other*
16 *than the child's siblings who are important to the child, and may*
17 *ask any child who is younger than 10 years of age to provide that*
18 *information, as appropriate. The social worker shall make efforts*
19 *to identify other individuals who are important to the child,*
20 *consistent with the child's best interests.*

21 (k) The department, in consultation with the County Welfare
22 Directors Association and other advocates, shall develop
23 standards and guidelines for a model relative placement search and
24 assessment process based on the criteria established in Section
25 361.3. These guidelines shall be incorporated in the training
26 described in Section 16206. These model standards and guidelines
27 shall be developed by March 1, 1999.

28 SEC. 9. Section 16503.5 is added to the Welfare and
29 Institutions Code, to read:

30 16503.5. (a) A placing agency shall provide a caregiver
31 placement agreement to the child's caregiver at the time of the
32 child's placement with that caregiver.

33 (b) For purposes of this part, "caregiver placement
34 agreement" means a written agreement between the placing
35 agency and the child's caregiver. The department shall approve the
36 format and content of the placement agreement form to be used by
37 a placing agency.

38 (c) The agreement shall describe the terms and conditions of
39 the placement and any agreements made by the placing agency and
40 the child's caregiver.

(d) The agreement shall provide, at a minimum, the contact information for the placing agency's social worker and the worker's supervisor, including, but not limited to, telephone numbers, facsimile numbers, and identifying information about the child, including, but not limited to, the child's social security number, if available, the child's Medi-Cal number or group health plan number and information, if available, and the child's State Department of Social Services identification number.

(e) A county placing agency may modify the forms to meet local needs by adding to the form requirements for information, but may not delete the form's core elements as determined by the department.

SEC. 10. Section 16010.6 of the Welfare and Institutions Code, as added by Section 7 of this act, is declaratory of existing law and intended to codify the holding in *In re Robert A.* (1992) 4 Cal.App.4th 174, at page 192, with respect to the obligation of the county welfare department or county placing agency to give notice to the attorney of a minor in foster placement as soon as the department or agency makes a decision on the placement or a proposed change in placement.

SEC. 11. *Section 8.5 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by both this bill and AB 408. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 408, in which case Section 8 of this bill shall not become operative.*

SEC. 12. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.